

REMARKS

I. Introduction

Claims 1-19 are pending in this application, of which claims 1 and 11 are independent. All pending claims stand rejected, but Applicant submits that by the present Remarks, this application will be placed in clear condition for immediate allowance.

II. The Rejection of Claims 1-3, 9, 11, and 18

Claims 1-3, 9, 11, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Borazjani in view of Ueno. This rejection is respectfully traversed.

Applicant submits that Borazjani and Ueno, either individually or in combination, do not disclose or suggest a digital AGC circuit including all the limitations recited in independent claims 1 and 11. Specifically, the applied combination does not teach, at a minimum, “a peak detection circuit for receiving a digitized wobble signal and detecting a peak value in a time period equal to or more than a half period of the wobble signal,” as recited in claim 1. Further, the applied combination does not teach, at a minimum, “a peak detection circuit for receiving an output of the digital AGC circuit and detecting a peak value in a time period equal to or more than a half period of the input,” and “a multiplier for receiving a digitized wobble signal and multiplying the wobble signal by the gain adjustment coefficient,” as recited in claim 11.

Borazjani simply describes a digital AGC circuit receiving I and Q data values in a telephony signal. As admitted by the Examiner, Borazjani does not disclose, among other things, the received signal to be a wobble signal. On the other hand, Ueno simply describes an analog AGC circuit receiving analog wobble signals from DVDs.

Accordingly, it is apparent that neither Borazjani nor Ueno discloses or suggests processing a digitized wobble signal. Borazjani discloses receiving I and Q data values in a telephony signal over a CATV (see, e.g., column 21, lines 56-63), while Ueno discloses receiving analog wobble signals. Even if these two references are combined, there is no teaching of processing a digitized wobble signal. The applied combination of Borazjani and Ueno does not teach a digital AGC circuit including all the limitations recited in independent claims 1 and 11.

Furthermore, there is no motivation to modify the system of Borazjani based on the teachings of Ueno to arrive at the claimed invention. This is so because, as discussed above, the applied combination does not teach all the limitations recited in independent claims 1 and 11. In addition, there is no reason to apply the teachings of Ueno regarding an analog wobble signal to the system of Borazjani related to the processing of the I and Q data values in a telephony signal over a CATV. The Examiner asserted, "Encoding address information on a DVD or CD surface using a wobble signal is well known in the relevant art" and "The advantage of encoding using a wobble signal is that a constant linear scanning velocity is maintained" (paragraph 4 of the Office Action). The Examiner simply addresses a wobble signal, but did not "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, slip op. at 15 (April 30, 2007). Accordingly, the Examiner has not discharge his burden to provide the motivational element required under 35 U.S.C. §103.

Based upon the foregoing, Applicant submits that the Examiner has not established a *prima facie* basis to deny patentability to the claimed subject matter in independent claims 1 and 11 for lack of the requisite factual basis and want of the requisite realistic motivation.

Dependent claims 2, 3, 9, and 18 are also patentably distinguishable over Borazjani and Ueno at least because these claims include all the limitations recited in independent claims 1 and 11, respectively. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 1-3, 9, 11, and 18 under 35 U.S.C. §103(a) and favorable consideration thereof.

III. The Rejection of Claims 4-8 and 12-17

Claims 4-8 and 12-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Borazjani and Ueno and further in view of Kiyanagi et al. This rejection is respectfully traversed.

Claims 4-8 and 12-17 depend from independent claims 1 and 11, respectively. Applicant, thus, incorporates herein the arguments previously advanced in traversing the rejection of claims 1 and 11 under 35 U.S.C. §103 for obviousness predicated upon Borazjani and Ueno. The Examiner's additional comments and secondary reference to Kiyanagi et al. do not cure the previously argued deficiencies in the applied combination Borazjani and Ueno. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

IV. The Rejection of Claims 10 and 19

Claims 10 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Borazjani and Ueno and further in view of Tenca et al.

Claims 10 and 19 depend from independent claims 1 and 11, respectively. Applicant, thus, incorporates herein the arguments previously advanced in traversing the rejection of claims 1 and 11 under 35 U.S.C. §103 for obviousness predicated upon Borazjani and Ueno. The

Examiner's additional comments and secondary reference to Tenca et al. do not cure the previously argued deficiencies in the applied combination Borazjani and Ueno. Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

V. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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